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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/090,627      | 03/06/2002  | Bas Ording           | P2349-506           | 4921             |

7590 03/23/2007  
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| EXAMINER |
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TRAN, MYLINH T

|          |              |
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| ART UNIT | PAPER NUMBER |
|----------|--------------|

2179

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE  | DELIVERY MODE |
|--|------------|---------------|
| 3 MONTHS                               | 03/23/2007 | PAPER         |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

|                              |                                      |                                    |  |
|------------------------------|--------------------------------------|------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/090,627 | <b>Applicant(s)</b><br>ORDING, BAS |  |
|                              | <b>Examiner</b><br>Mylinh Tran       | <b>Art Unit</b><br>2179            |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 February 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3,4,6,7,9-14 and 16-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,6,7,9-14 and 16-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02/20/07 has been entered:

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 23 is considered non-statutory because the specification does not define "computer readable medium" as including tangible media such as physical storage device.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent

granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3-4, 6-7, 9-14 and 16-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Hiura et al. [US. 6,628,310].

**As to claims 1, 14 and 23**, Hiura et al. teach a computer implemented method and corresponding apparatus for providing an aesthetically pleasing transition between two or more graphical user interface comprising the steps/means of determining a change between active applications running on a computer from a first application to a second application (column 1, line 66 through column 2, line 12);

replacing a first GUI element associated with the first application that is displayed on a computer display with a second GUI element associated with the second application (column 2, lines 30-37); and in response to detecting the change between active applications, providing visual notification of the change between active applications by rendering animation graphics to animate a transition between display of the first and second GUI elements, wherein the animated transition aids user recognition of differences between the first GUI element and the second GUI element (column 3, lines 36-44 and column 4, lines 37-50).

**As to claims 3 and 16**, Hiura et al. show the step of detecting a change comprising detecting a user initiated event (column 2, lines 1-11).

**As to claim 4**, Hiura et al. teach detecting a change comprising detecting a mouse click event (column 2, lines 1-11).

**As to claims 6 and 17**, Hiura et al. also shows the step of detecting a change comprising opening of the second an application (column 2, lines 25-40).

**As to claim 7**, Hiura et al. show the step of detecting a change comprising detecting the quitting of the first application (column 3, lines 35-45).

**As to claims 9 and 18**, Hiura et al. show providing visual notification being configured to render rotation animation graphics (column 3, lines 30-67).

**As to claims 10 and 19**, Hiura et al. show providing visual notification being configured to render scrolling animation graphics (column 4, lines 38-50).

**As to claims 11-13 and 20-22**, it would have been inherent that Hiura et al. show animation graphics comprising three-dimensional animation graphics, the three-dimensional animation graphics comprising animation graphics utilizing gray scales and the three-dimensional animation graphics utilize gray scale to virtual lighting effect because Hiura teaches the animated transition between two windows in a three dimensional structure (column 1, lines 60-67).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hiura et al. [US. 6,628,310] in view of Matthews.

**As to claim 24**, Hiura et al. fail to clearly teach the first and second menu bar. However, Matthews teaches the first GUI element comprising a first menu bar having a plurality of options pertaining to functions associated with the first application and the second menu bar comprising a plurality of options pertaining to functions associated with the second application (column 18, lines 61-67). It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine the teaching of Matthews and the teachings of Hiura. The motivation for combination would have been to enhance the transition of menu system.

**As to claim 25**, Hiura et al. fail to clearly teach the first and second menu bar. Matthews also teaches the first GUI element comprising a first menu bar having a plurality of options pertaining to functions associated with the first application and the second GUI element comprising a second menu bar having a plurality of options pertaining to functions associated with the second application (column 18, lines 61-67).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine the well known implementation. Motivation of the combination would have been to enhance the transition of menu system.

### **Response to Arguments**

Applicant's arguments with respect to claims 1, 14 and 23 have been considered but are moot in view of the new ground of rejection.

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mylinh Tran. The examiner can normally be reached on Mon - Thu from 7:00AM to 3:00PM at 571-272-4141.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo, can be reached at 571-272-4847.

The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

571-273-8300

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mylinh Tran  
Art Unit 2179

BA HUYNH  
PRIMARY EXAMINER